

1 students at Virginia Tech received a release from
2 the Montgomery County Registrar saying that students
3 would face serious consequences for registering in
4 Virginia including being dropped from their parents'
5 health insurance or voiding their status as
6 dependents on their parents' tax returns. So in
7 addition to the fact that students, let's say, at
8 the University of Texas could vote with their U.T.
9 I.D., the intent and continued disenfranchisement of
10 young people who vote, mainly because we happen to
11 have actually shown up this year, congrats to us, we
12 are actually being intimidated in disproportionate
13 amounts in what seem to be swing states like
14 Florida, Michigan, Virginia, Pennsylvania, Colorado.
15 And that -- I mean, I think that there's a clear --
16 a clear issue with where these instances are
17 occurring and how people are -- are reacting.

18 In fact, another notable case would be
19 North Carolina, where we had students on the UNCW's
20 campus when addresses could not be verified for poll
21 workers, students were turned away. Some also said
22 they never received voter registration cards and
23 they could not find their registration status
24 online.

25 REPRESENTATIVE ANCHIA: Let's talk



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1 really quickly about Texas. I want to ask you --
2 this is -- this is the last question.

3 If this Senate bill passed the House and
4 was signed by the Governor and became law as is, do
5 you believe that college students in Texas would be
6 disenfranchised?

7 MARY NARANJO: Yes.

8 REPRESENTATIVE ANCHIA: What is an
9 acceptable level of U.S. citizen eligible college
10 students -- college students -- what is an
11 acceptable level of disenfranchisement for the
12 members of -- of your organization?

13 MARY NARANJO: I -- I think the fact
14 that we've been working so hard as a democracy to
15 say you want to participate and be counted as a real
16 citizen of the U.S., you have to go and vote, you
17 have to participate. I think the fact that now
18 we're saying, no, not only do you have to be alive,
19 kicking and (inaudible) to show up, now you have to
20 have these documents, which cost money to have, or
21 you have to go through this process to get this
22 document.

23 Right now, voting is free in the State of
24 Texas. When you go to register to vote you either
25 put in your Social Security number, your I.D. number



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1 or check none or --

2 REPRESENTATIVE ANCHIA: So I think
3 I'm hearing your answer is zero.

4 MARY NARANJO: Exactly.

5 REPRESENTATIVE ANCHIA: Okay.

6 MARY NARANJO: I would say one is too
7 many when we're still trying -- when we still have
8 voter participation of 42.8 percent on average since
9 1945.

10 REPRESENTATIVE ANCHIA: Are you aware
11 of -- and I know I said it was my last question.
12 But are you aware of any cases of voter
13 impersonation among college students in Texas?

14 MARY NARANJO: No. We have people
15 dress up as Mario Brothers when they voted, but they
16 didn't say they were Mario Brothers.

17 REPRESENTATIVE ANCHIA: Okay. Thank
18 you for your testimony.

19 CHAIRMAN SMITH: Any other questions,
20 Members?

21 Let me just say that I -- I don't know how
22 many students we have at private universities that
23 would not have any of the documents on this list,
24 which include a variety of documents, but I -- I --
25 I do not understand and can't imagine where a photo



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1 identification from any private university in this
2 state would not be sufficient --

3 MARY NARANJO: Well --

4 REPRESENTATIVE ANCHIA: -- like our
5 alma mater, Mr. Chairman.

6 CHAIRMAN SMITH: Absolutely.

7 MARY NARANJO: If the language said
8 that, then that would be fine.

9 Again, the intent of the Committee is
10 different than the language in the Senate bill. And
11 I think that's where there are discrepancies and
12 confusion.

13 And I'm sorry Representative Bonnen is not
14 here to hear me explain this, but if you look at
15 Subsection B, which is the no photo I.D. documents
16 that you can have, a utility bill is not commonly
17 had by a student who's a freshman living in a
18 dormitory. A birth certificate costs money to get,
19 and you have to actually go to the county where you
20 were born to get it in some states. Citizenship
21 papers issued to a person -- a passport costs money,
22 citizenship papers cost money. Again, the
23 discrepancy here is that students could get some of
24 this stuff, yes. That's not the issue. It's that
25 it's going to cost money for them to get this --



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1 these documents that you are requesting. And if the
2 state wants to make these documents fully available
3 to students and let students of private universities
4 vote and inform everyone in the State of Texas that
5 they have to have this information to vote, then I
6 don't think there would be really an issue.

7 But the fiscal note that was attached to
8 this bill does not indicate a willingness to do
9 that, only \$2 million. That -- I mean, a holistic
10 perspective if -- if we want to put our money where
11 our mouth is, well, then, people can put their votes
12 where their votes are. I mean --

13 CHAIRMAN SMITH: I think -- I think
14 you've identified one thing we can add to the list
15 of photo identifications, and that's why we have
16 public testimony. And we appreciate you taking the
17 time to be with us today. I didn't know if you
18 realized this morning when you got up and put on
19 that red coat what confusion you were going to
20 cause.

21 MARY NARANJO: I know what's going
22 on. Right?

23 CHAIRMAN SMITH: Thank you.

24 MARY NARANJO: Thank you for having
25 me.



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1 CHAIRMAN SMITH: You bet.

2 UNIDENTIFIED REPRESENTATIVE: Can I
3 see this?

4 CHAIRMAN SMITH: At this time the
5 Chair calls Skipper Wallace representing the Texas
6 Republican County Chair's Association testifying in
7 favor of Senate Bill 362.

8 Please state your name and who you
9 represent.

10 SKIPPER WALLACE: Mr. Chairman, my
11 name is Skipper Wallace. I represent the Texas
12 Republican County Chairman's Association, and we do
13 support the bill.

14 I have a solution for this young lady's
15 problem.

16 CHAIRMAN SMITH: Okay.

17 SKIPPER WALLACE: All she's got to do
18 is declare she's an adult and change her address on
19 her driver's license as any other student in any of
20 these other universities do and they can vote.

21 There's been a lot of testimony about
22 different kinds of voter fraud. We're talking about
23 impersonation today, voter impersonation and voter
24 fraud through voter impersonation. We've taken all
25 kinds of testimony about voter fraud, about how many



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1 cases there are of voter impersonation or how many
2 cases there aren't of voter impersonation.

3 I've been an election judge -- I've been a
4 county chair for 18 years; I've been election judge
5 in one capacity or another for all those 18 years.
6 I can guarantee you we've got a room full of
7 election judges and election workers here.

8 You cannot prove voter impersonation
9 unless you know personally the person that's
10 presenting the fake I.D. card or the -- or the voter
11 registration card that is not theirs. There is no
12 way to prove it. And that leads to the second
13 problem. We can't prove voter impersonation,
14 because we don't have any cases logged and filed and
15 with the Attorney General or the local D.A. because
16 the folks are already gone. The only way we know
17 we've had voter impersonation is if we get a whole
18 bunch of signatures that look like they match or if
19 we get dead people after we checked the rolls after
20 the election that voted. And that's -- that's the
21 only way that we can know that we've had voter
22 impersonation. Voter impersonation is almost
23 impossible to prove.

24 There's been talk about delaying the
25 implementation of this bill for another four years.



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1 Mr. Chairman, I've been working on this bill for six
2 years already. This bill does not need to be
3 delayed any longer. It needs to be passed now. And
4 it needs to be passed in as strict a form as we can
5 possibly do to get it passed and still get the House
6 votes to get it there.

7 One of the main complaints that we have on
8 this bill, it's difficult for seniors, the poor and
9 the handicapped to get photo I.D. We've agreed in
10 the bill or in -- I think in all our discussions
11 that we would put forward an education program in
12 the bill, we would put together an increased voter
13 registration effort to -- and we would also have no
14 cost for anyone that didn't have the money to pay
15 for the bill. The Secretary of State's office says
16 that there was 12.7 registered voters in the last
17 primary. There is 14 million driver's licenses and
18 4 million I.D. cards, and there are 5.3 million more
19 government-issued I.D. cards in the State of Texas
20 than there are registered voters to vote. So I
21 would like to know who didn't have an I.D. card.

22 I beg you to stop perpetuating voter fraud
23 and pass a good voter I.D. bill. Thank you.

24 Be glad to answer any questions.

25 CHAIRMAN SMITH: Questions, Members,



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1 for Mr. Wallace?

2 REPRESENTATIVE VEASEY: (Inaudible).

3 CHAIRMAN SMITH: Members of the
4 Committee, anybody -- I'm going to come to you,
5 Mark, but first of all, Members of the Committee?

6 Mark? Representative Veasey. There's a
7 button under there somewhere.

8 REPRESENTATIVE VEASEY: Yeah.

9 (Inaudible).

10 CHAIRMAN SMITH: Wrong one.

11 REPRESENTATIVE VEASEY: (Inaudible).

12 CHAIRMAN SMITH: Yes, sir.

13 REPRESENTATIVE VEASEY: Sorry about
14 that. Okay. Where are you from, again?

15 SKIPPER WALLACE: Lampasas, Texas.

16 REPRESENTATIVE VEASEY: Lampasas.

17 Okay.

18 How many instances of voter impersonation
19 has there been in Lampasas?

20 SKIPPER WALLACE: Who knows? We
21 can't prove it.

22 REPRESENTATIVE VEASEY: If there were
23 evidence presented to you -- and I know that you
24 weren't here last night, but --

25 SKIPPER WALLACE: Oh, yes, I was,



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1 until midnight.

2 REPRESENTATIVE VEASEY: You were?

3 Okay. So even after some of the witnesses came and
4 said there would be certain groups that could be
5 disenfranchised and they would be denied their right
6 of suffer-age, did that help move you at all?

7 SKIPPER WALLACE: I -- I appreciated
8 the lesson we got on black history last night about
9 all the suffer-age the black people have gone
10 through, and I sympathize with you on that. And we
11 have tried to do everything we possibly can do by
12 legal or whatever means to -- to take care of those
13 things. And I think we have done that, or we make a
14 genuine effort to do that. We certainly don't want
15 to disenfranchise anybody from voting, particularly
16 minorities, anybody from voting. Every vote counts.
17 We want to make sure that every vote that is cast is
18 cast by someone that is supposed to be voting and
19 not canceled out by someone who is not supposed to
20 be voting.

21 REPRESENTATIVE VEASEY: If -- if
22 there were measures or amendments that would make it
23 to where someone who legally did have the right to
24 vote -- where they were not committing voter
25 impersonation but, for whatever reasons that you



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1 heard last night, didn't have an I.D., would you be
2 willing to work with, you know, myself and members
3 of the minority community, various members of your
4 communities?

5 And I'm sure that you have a diverse
6 community; maybe not --

7 SKIPPER WALLACE: Very, very diverse.

8 REPRESENTATIVE VEASEY: Yeah. But
9 would you be willing to work with members of that
10 community on -- on compromise and make sure that
11 everybody's vote counted?

12 SKIPPER WALLACE: Sure. In fact, we
13 have had many discussions about how to take care of
14 folks through increased voter registration efforts,
15 through increased voter education. We're more than
16 willing to try to work with anybody that feels like
17 they have been suppressed from voting to try to
18 solve that problem. We do not want anybody to feel
19 like they're suppressed. Yes, sir.

20 UNIDENTIFIED REPRESENTATIVE:

21 Representative --

22 CHAIRMAN SMITH: Representative.

23 REPRESENTATIVE BROWN: Mr. Wallace --

24 SKIPPER WALLACE: Yes, ma'am.

25 REPRESENTATIVE BROWN: -- we



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1 appreciate you sticking with us tonight.

2 SKIPPER WALLACE: I'm always there.

3 REPRESENTATIVE BROWN: And nice to
4 see you again today.

5 Do you share the -- the opinion that we
6 would actually be helping a lot of people by giving
7 them means by which they can attain -- obtain a
8 voter I.D. or a -- an I.D., people who are now
9 suffering the consequences of not being able to
10 prove their identity for anything?

11 SKIPPER WALLACE: I certainly want to
12 do everything we can do to provide I.D.s to folks
13 who do not have I.D.s. I just stated in my
14 testimony a while ago that we have 5.3 million more
15 government-issued I.D.s in the State of Texas than
16 what we have registered voters. I'm trying to
17 figure out who doesn't have an I.D. already.

18 REPRESENTATIVE BROWN: Uh-huh,
19 uh-huh. That number does bring some questions to
20 mind, does it not?

21 SKIPPER WALLACE: It does to me.

22 REPRESENTATIVE BROWN: It certainly
23 makes it look like we perhaps don't have quite as
24 many people without I.D.as has been previously --

25 SKIPPER WALLACE: I'm sure there are



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1 some.

2 REPRESENTATIVE BROWN: Do you
3 remember the days when Debra Danberg was Chairman of
4 Elections in the House?

5 SKIPPER WALLACE: I -- I do.

6 REPRESENTATIVE BROWN: I just --
7 someone brought me a quote from her yesterday. It
8 was a few days -- I mean, a few years ago.

9 SKIPPER WALLACE: Yes, ma'am.

10 REPRESENTATIVE BROWN: It was printed
11 in the Wall Street Journal, and this was back in the
12 year 2000. "State Representative Debra Danberg, a
13 Democrat who was Chairwoman of the Elections Panel
14 of the Texas Legislature, says such cases that have
15 been presented strengthen her resolve to press for
16 reforms, even if many older voters don't want it."

17 "To me, this is victimizing the elderly,"
18 she says. "I wish the older citizens' lobby groups
19 would see the fraud I'm seeing and start reacting
20 like victims of fraud."

21 So even in 2000, Ms. Danberg was seeing
22 that there was fraud going on. She -- she was --
23 she was seeing the effects of it and -- and saying
24 that she hoped -- that she wished that more people
25 would step forward and let's end this.



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1 SKIPPER WALLACE: Well --

2 REPRESENTATIVE BROWN: So I thought
3 this was a significant quote.

4 SKIPPER WALLACE: I -- I think it is
5 a very good quote and a good feeling that she had.
6 That was before Mary Denny's time.

7 REPRESENTATIVE BROWN: Right.

8 SKIPPER WALLACE: Mary Denny was the
9 one that really started working hard on the voter
10 I.D. bill.

11 REPRESENTATIVE BROWN: Uh-huh.

12 SKIPPER WALLACE: And I worked with
13 her. I worked with the Chairman before Mr. Smith
14 and I --

15 REPRESENTATIVE BROWN: And so you
16 know that I carried Mary Denny's bill last year.

17 SKIPPER WALLACE: I'm very aware you
18 carried Mary Denny's bill, and I -- I testified on
19 it a number of times, too.

20 REPRESENTATIVE BROWN: I know you
21 did.

22 SKIPPER WALLACE: I really feel like,
23 you know, that we're -- that -- the problem is we
24 can't prove that there isn't voter I.D. fraud. The
25 Democrats, Mr. Anchia or whoever his constituents,



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1 can't prove that there, you know, is. We can't
2 prove that there is, you can't prove that there
3 isn't.

4 REPRESENTATIVE BROWN: Uh-huh.

5 SKIPPER WALLACE: My thinking is
6 we've got lots of election problems in the fraud
7 area.

8 REPRESENTATIVE BROWN: That's right.

9 SKIPPER WALLACE: We might have some
10 voter suppression issues that we need to address.
11 But let's address this one and get it behind us.
12 Then we'll work on the -- the ballot by mail. And I
13 know we have problems in the ballot by mail.

14 REPRESENTATIVE BROWN: And I agree.
15 I think this is just a baby step that we
16 absolutely --

17 SKIPPER WALLACE: We -- we -- I
18 think --

19 REPRESENTATIVE BROWN: -- before we
20 do anything else.

21 SKIPPER WALLACE: -- everybody wants
22 the best elections that we can get. And we've got
23 to do it -- we've got to temper justice with mercy.
24 And I understand -- my friend Raphael over here, we
25 talk about these things all the time. And I know



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1 he's got one opinion and I've got another, and
2 that's okay. That's what it's all about. But I
3 started to bring my -- my passport for you today,
4 Raphael, but you didn't ask for it. But anyway --

5 UNIDENTIFIED REPRESENTATIVE: That's
6 a different bill.

7 SKIPPER WALLACE: That's a different
8 bill.

9 REPRESENTATIVE BROWN: Do you have --
10 by the way, do you have your voter registration
11 card?

12 SKIPPER WALLACE: I have my voter
13 registration card, I have my handgun license, I have
14 my driver's license. I -- I'm -- I'm very I.D.ed.

15 REPRESENTATIVE BROWN: I have all of
16 those, too. And I -- I never --

17 SKIPPER WALLACE: I don't have
18 (inaudible) with me, though.

19 REPRESENTATIVE BROWN: -- take my
20 voter card out of my billfold. And I can't figure
21 out these people that can never find their voter
22 registration card --

23 SKIPPER WALLACE: I cannot, either.

24 REPRESENTATIVE BROWN: -- because
25 mine stays there with my driver's license.



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1 SKIPPER WALLACE: I'm sorry Mr. Bohac
2 can't find his, but...

3 REPRESENTATIVE BROWN: Thank you,
4 Mr. Wallace.

5 SKIPPER WALLACE: Yes, ma'am.

6 CHAIRMAN SMITH: Representative
7 Anchia.

8 REPRESENTATIVE ANCHIA: I just want
9 to say to Skipper thank you for staying up with us
10 yesterday and being here to testify on the bill.

11 I would love to engage you on a more
12 in-depth discussion of mail-in ballot fraud. It is
13 clearly a problem, and I think you talked about
14 Representative Dan -- former Chairwoman Danberg's
15 concern about mail-in fraud. I just want to state
16 for the record that the Senate bill does nothing --

17 SKIPPER WALLACE: I understand that.

18 REPRESENTATIVE ANCHIA: -- to remedy
19 mail-in fraud.

20 SKIPPER WALLACE: I understand that.

21 REPRESENTATIVE ANCHIA: You share
22 that concern.

23 And if -- if the Republican county
24 officials group that you represent has a plan to
25 deal with that, I'd really appreciate if you brought



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1 it forward so we could work constructively on that.

2 SKIPPER WALLACE: I would certainly
3 love to work with you solving the voter fraud
4 problem, but if you'll help me solve this one first,
5 then we'll work on that one, I promise you.

6 REPRESENTATIVE ANCHIA: Let's --

7 SKIPPER WALLACE: I promise you.

8 REPRESENTATIVE ANCHIA: -- let's
9 solve all the fraud at the same time.

10 SKIPPER WALLACE: Well, you
11 know, that's ideal. I would love to do that, but I
12 don't think it's realistic. And I'm a very
13 realistic, down-to-earth, commonsense kind of guy.
14 And I know things are hard to get through the
15 legislature, because there's two sides to
16 everything. And if we can get this one, that's one
17 small problem out of the way, and then we can work
18 on the next biggest problem, then the next biggest.
19 And soon maybe we'll have them all solved. I doubt
20 it; not in my lifetime.

21 REPRESENTATIVE ANCHIA: No. My view,
22 I -- and I agree with you --

23 SKIPPER WALLACE: You're a lot
24 younger than I am.

25 REPRESENTATIVE ANCHIA: -- we should



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1 prioritize. So if we have a big problem that we
2 know exists in mail-in ballots, let's tackle it.
3 And the problems that you don't have evidence for or
4 really none --

5 SKIPPER WALLACE: We may have a big
6 voter impersonation problem that we don't know
7 before. We think we do. There is lots of folks out
8 here that's going to testify that they've seen cases
9 of it.

10 REPRESENTATIVE ANCHIA: There are
11 people who believe in UFOs who have never seen one,
12 either.

13 SKIPPER WALLACE: I understand that,
14 too.

15 REPRESENTATIVE ANCHIA: Thank you,
16 Mr. Wallace.

17 SKIPPER WALLACE: Thank you.

18 UNIDENTIFIED REPRESENTATIVE: And
19 Mr. Wallace --

20 SKIPPER WALLACE: Yes, sir.

21 UNIDENTIFIED REPRESENTATIVE: -- we
22 heard from Buck Wood here today.

23 REPRESENTATIVE ANCHIA: I listened to
24 Mr. Wood's testimony.

25 UNIDENTIFIED REPRESENTATIVE: And his



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1 opinion after having looked at this for years was
2 the only way he knew to get at it was to go back to
3 the old law where you had to have an excuse when
4 you're over 65 on how to vote by mail. That was his
5 opinion.

6 SKIPPER WALLACE: I -- I -- I --
7 well, I don't think we're here to just vote about
8 mail problems today.

9 UNIDENTIFIED REPRESENTATIVE: Do you
10 know of any -- believe me, I don't know why we can't
11 try to solve voter registration fraud as a part of
12 this or other legislation this session.

13 What we need is an I.D. that would solve
14 that problem that would not result in anybody being
15 accused of voter suppression, because my
16 impression - and I think this happened in -- in --
17 when Representative Woolens filed his legislation in
18 early 2000 to try to get at the problem of
19 harvesting votes in senior citizens homes - is he
20 was accused of trying to suppress voters, also.
21 It's -- it's -- you know, believe me, I think
22 everybody on this Committee is prepared to address
23 that problem. And we just need a good idea that
24 would solve it and that -- where we could all agree
25 that we're solving this problem and nobody would



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1 accuse anybody of trying to suppress any legal vote.

2 SKIPPER WALLACE: Well, that's always
3 the situation, Mr. Chairman, is that when we tighten
4 up the process we're accused of suppression. When
5 we try to make it easier for people to vote, we're
6 accused of making it, you know, too easy and voter
7 fraud creeps in. So I don't know that there is a
8 magic bullet.

9 I think that between you smart folks you
10 can come up with a -- maybe a solution to that.
11 We'll be glad to help you with that. I don't have
12 the magic bullet. I wish I did, I tell you.

13 CHAIRMAN SMITH: Representative
14 Brown.

15 SKIPPER WALLACE: Yes, ma'am.

16 REPRESENTATIVE BROWN: Just one other
17 comment. Your statement -- one of your statements
18 brought to mind a testimony that was given in the
19 Senate when they were hearing the bill --

20 SKIPPER WALLACE: I was there, too.

21 REPRESENTATIVE BROWN: -- from the
22 gentleman from --

23 SKIPPER WALLACE: Twenty-seven hours.

24 REPRESENTATIVE BROWN: Yes. You
25 think -- you probably remember the gentleman from



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1 Indiana talking about once they passed the -- the
2 I.D. bill in Indiana --

3 SKIPPER WALLACE: Uh-huh.

4 REPRESENTATIVE BROWN: -- he said
5 suddenly there was an atmosphere of cooperation; we
6 were able to get things done. The Democrats and
7 Republicans worked together - excuse me - and we
8 went on and passed a lot of needed legislation,
9 working together. But for some reason the voter
10 I.D. bill had become a wedge issue and --

11 SKIPPER WALLACE: As it is here.

12 REPRESENTATIVE ANCHIA: -- and had
13 stood in the way of getting other things done.

14 Once they got it out of the way they were
15 able to work on many other things together. And
16 that's --

17 SKIPPER WALLACE: I think --

18 REPRESENTATIVE BROWN: -- what I'm
19 hoping for Texas.

20 SKIPPER WALLACE: -- one of the
21 things, it brings voter confidence back in the
22 system --

23 REPRESENTATIVE BROWN: Amen.

24 SKIPPER WALLACE: -- that say, why do
25 I need to go vote? You know, mine's going to get



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1 canceled out by somebody through whatever reason,
2 voter impersonation by mail, whatever reason. We've
3 got lots of problems in the election processes.

4 But I think if we can get past this hurdle
5 and get these problems solved where we have a little
6 bit more creditability in the election process, the
7 next hurdle we'll tackle is mail-in ballots, which
8 we know we have a problem there, too. You know,
9 we've got a lot of problems we've got to work on in
10 the State, not just voter problems. But these are
11 some of the ones -- these are the basic platform for
12 our whole society, for our whole country is our
13 election process. If we don't have creditability in
14 the election process, then, you know, as we found
15 out in Linda Harper-Brown's -- it doesn't take very
16 many bogus votes to flip an election. And it's --
17 you know, we like to lost her.

18 REPRESENTATIVE BROWN: To me, it's so
19 important that we prove that we can get control of
20 our elections and provide more integrity --

21 SKIPPER WALLACE: I think so.

22 REPRESENTATIVE BROWN: -- because we
23 are the ones that are trying to export democracy --

24 SKIPPER WALLACE: Yeah.

25 REPRESENTATIVE BROWN: -- Democratic



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1 elections to other countries. For us to lose
2 control of ours and it not be --

3 SKIPPER WALLACE: Well, the simple
4 thing about it here in the United States is that we
5 have such a trusting system. We have an honor
6 system.

7 REPRESENTATIVE BROWN: Uh-huh.
8 (Inaudible).

9 SKIPPER WALLACE: We're the only
10 country in the world that goes on the honor system.
11 Even in Mexico, right across the border --

12 REPRESENTATIVE BROWN: Correct.

13 SKIPPER WALLACE: -- which I would
14 have thought their system was much more loosy-goosey
15 than ours, they require biometrics. You
16 know, you've got to have a thumbprint, you've got to
17 have an I.D. card, no question. You don't vote or
18 you got it, one or the other.

19 Of course, even in Iraq now they've got to
20 stick their finger in the blue ink to vote. That
21 might be a good thing here. Who knows. We'd sure
22 cut out multiple voting.

23 UNIDENTIFIED REPRESENTATIVE: My kids
24 really want to move to Iraq and Mexico, too.

25 SKIPPER WALLACE: I don't, either,



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1 sir.

2 UNIDENTIFIED REPRESENTATIVE: What
3 votes -- what votes -- how many bogus votes were
4 there in Ms. Harper-Brown's election?

5 SKIPPER WALLACE: I think it was -- I
6 don't know. I think she was finally elected by 14,
7 I believe. But that's --

8 UNIDENTIFIED REPRESENTATIVE: Okay.
9 And how many -- how many of the 40,000 were bogus?

10 SKIPPER WALLACE: I couldn't tell
11 you, sir.

12 UNIDENTIFIED REPRESENTATIVE: Well,
13 then, why did you just say that bogus votes almost
14 cost her her seat?

15 SKIPPER WALLACE: Well, that were --
16 some news articles that I read --

17 UNIDENTIFIED REPRESENTATIVE: That
18 said what?

19 SKIPPER WALLACE: That said there
20 were a number of votes in question. And I think
21 they had to recount them three times. And --

22 UNIDENTIFIED REPRESENTATIVE: And
23 they counted them three times. And how many bogus
24 votes did they find?

25 SKIPPER WALLACE: I don't know, sir.



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1 I can't testify to that.

2 UNIDENTIFIED REPRESENTATIVE: Then
3 why did you come up here and just tell this
4 Committee she almost lost her seat because of bogus
5 votes? I'm just curious. That -- I'm just -- I
6 want to know the answer.

7 People say things. It's easy to say
8 things.

9 SKIPPER WALLACE: Well, there were a
10 number of questionable votes. I don't know --

11 UNIDENTIFIED REPRESENTATIVE: And
12 they counted them three times.

13 SKIPPER WALLACE: -- wasn't involved
14 in that process.

15 UNIDENTIFIED REPRESENTATIVE: They
16 counted them three times?

17 SKIPPER WALLACE: That was my
18 understanding.

19 UNIDENTIFIED REPRESENTATIVE: And her
20 opponent picked up in votes after they recounted
21 them. She won.

22 SKIPPER WALLACE: Good.

23 UNIDENTIFIED REPRESENTATIVE: So I
24 still -- if she almost -- if you almost lost her
25 because of bogus votes, I would like to know what



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1 they are.

2 SKIPPER WALLACE: Well, if she were
3 here maybe she could answer that question.

4 UNIDENTIFIED REPRESENTATIVE: You
5 said it. She didn't.

6 SKIPPER WALLACE: She's the expert.

7 UNIDENTIFIED REPRESENTATIVE: Okay.

8 SKIPPER WALLACE: I'm a public
9 testimony. Remember?

10 UNIDENTIFIED REPRESENTATIVE: You're
11 what?

12 SKIPPER WALLACE: Public testimony.

13 UNIDENTIFIED REPRESENTATIVE: Well,
14 she's a member of the public, too. We only get paid
15 \$35 a month.

16 UNIDENTIFIED REPRESENTATIVE: He's
17 referring to the fact that last night we had expert
18 testimony and today it's public testimony.

19 UNIDENTIFIED REPRESENTATIVE: Okay.

20 CHAIRMAN SMITH: Members, any other
21 questions? Thank you, Skipper.

22 SKIPPER WALLACE: Thank you,
23 Mr. Pena.

24 REPRESENTATIVE VEASEY: All right.
25 Mr. Chairman --



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1 CHAIRMAN SMITH: Yes.

2 REPRESENTATIVE VEASEY: -- can you
3 hear me okay? Because the light's not coming on.

4 CHAIRMAN SMITH: I can hear you. Go
5 ahead.

6 REPRESENTATIVE VEASEY: Okay. I
7 wanted to just point out that Mr. Skipper [sic] in
8 his testimony when I pointed out about, you know,
9 voter suffer-age and people being able to exercise
10 their right to vote, that Mr. Skipper said that he
11 would be supportive in this, that [sic] would make
12 sure that everybody that has the legal right to vote
13 in this country -- even if they didn't have an I.D.,
14 that he wanted to make sure that no one that could
15 legally vote lost their suffer-age. So I think
16 that's particularly important for our Republican
17 friends to take forward with them as we proceed
18 along with this particular debate. So I just want
19 to point that out.

20 VICE CHAIR PENA: Thank you,
21 Representative Veasey.

22 Okay. The Chair calls Luis Figueroa.

23 Luis, I have you here from MALDEF, but why
24 don't you go ahead and state your name and who you
25 represent.



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1 LUIS FIGUEROA: Thank you, Vice
2 Chair, Chairman. My name is Luis Figueroa. I'm the
3 Legislative Staff Attorney at the Mexican American
4 Legal Defense & Educational Fund, MALDEF. And we
5 are here in opposition to Senate Bill 362.

6 MALDEF is a legal organization founded in
7 San Antonio, Texas to protect and promote Latino
8 civil rights including voter rights. And we want to
9 inject some new information to this debate based on
10 some of the litigation that we've done. We
11 understand that the Committee is trying to weigh the
12 cost of benefits of stopping potential voter fraud
13 or unproven voter impersonation versus preventing
14 access to the ballots. And the best information we
15 have about that is from our litigation in Gonzalez
16 v. Arizona (phonetic) in which MALDEF served as lead
17 counsel for the plaintiffs. This is important
18 information from Arizona, because it's the closest
19 to what's being proposed by Senate Bill 362. In
20 Arizona you prepare a photo I.D. If you don't have
21 one, you present two non-photo I.D.s. So it's
22 probably the closest state to what is being proposed
23 by Senate Bill 362. What we learned in Arizona is
24 there weren't that many or there were actually no
25 supportive (inaudible) incidence of voter



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1 impersonation. If mister -- and there was something
2 of a -- a solution in search of a problem.

3 But during these investigations we found
4 that what happened was when a person was -- did not
5 have representative documentation they would cast a
6 provisional ballot which would actually count the
7 number of people who were disenfranchised based on
8 the lack of identification. They were told to
9 return within five days. And if they did not return
10 within five days their vote was not counted.

11 Across three federal elections, the 2006
12 primary, the 2006 general, and the 2008
13 Presidential, 4194 votes cast conditional
14 provisional ballots that were never counted because
15 a voter could not provide the required I.D.

16 Now, in Texas, we know we cast 42,000
17 provisional ballots. And under our current law,
18 which requires only one form of identification,
19 there were about under 400 voters who were unable to
20 cast -- were -- cast a provisional ballot for lack
21 of identification and were counted.

22 Now, the problem in Arizona was not so
23 much the documentation, but -- as much as the
24 implementation of the law. For example, Karen
25 Lucero (phonetic), a police officer and registered



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1 Republican, was forced to cast a conditional
2 provisional ballot, but -- because her driver's
3 license listed a different address than the voter
4 rules. She had consistently moved. And when she
5 tried to cast a ballot, when the demands from job
6 (inaudible) to transfer county to show additional
7 I.D., her vote was not counted.

8 We have a few other examples in
9 (inaudible) testimony, but another one was Georgia
10 Morrison. And Georgia Morrison Flores was a
11 newlywed when she registered to vote and registered
12 under her married name. Despite her status,
13 unable -- the eligible status she was unable to cast
14 her regular qualified ballot. So these were the
15 type of situations we found in Arizona.

16 We are strongly cautious about a voter
17 I.D. bill without the proper safeguards, and this
18 Senate Bill 362 doesn't have those safeguards in
19 place right now. So for those reasons we're in
20 opposition to the bill. And we're open for
21 questions. We'd love to discuss this further with
22 the Committee.

23 VICE CHAIR PENA: Thank you,
24 Mr. Figueroa. I have a question.

25 Earlier did you hear the testimony from



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1 the Vice-President of the Young Democrats?

2 LUIS FIGUEROA: I did.

3 VICE CHAIR PENA: Listening to her
4 testimony, I was concerned about the similar
5 problems that migrant students may have. You
6 know, where I -- where I live in South Texas, and
7 many other parts of Texas, we have migrants that you
8 have all around the country. Could you address
9 that --

10 LUIS FIGUEROA: Absolutely.

11 VICE CHAIR PENA: -- and how that
12 would -- any problems that they may encounter.

13 LUIS FIGUEROA: Absolutely. And so
14 the initial problem is whether they have the initial
15 documentation, whether they will have the utility
16 bill or state identity document. Many of those
17 migrant students or migrant families may not have
18 that documentation. They may not have a driver's
19 license. But even if they did, the address on the
20 identity documents may not match what's on the voter
21 rolls. What we found in Arizona, which did not
22 require under the status that the address match, but
23 was through regulation through the administrative
24 procedure required some type of address match, many
25 people were unable to cast a regular ballot and were



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1 disenfranchised. This would -- exactly [sic] is
2 what would occur for someone who moves a lot and
3 people who have different names. We know that
4 Latino names typically have varying names. For
5 example, Beatrice Avila after marrying Jose Verez
6 (phonetic), it would not be atypical for her to add
7 Verez to her last name and, therefor, her last name
8 wouldn't match the voter registration name on there.

9 So these kind of technical issues in name
10 matching, address matching, is where we see the
11 potential for -- for disenfranchisement.

12 VICE CHAIR PENA: Representative.

13 REPRESENTATIVE BROWN: The -- all
14 these that you say their votes were not counted and
15 they were disenfranchised, have you removed the
16 numbers from that -- from those that were found to
17 be illegal or non-residents or felons or for some
18 reason they were not qualified to vote?

19 LUIS FIGUEROA: Right. So in these
20 situations the conditional provisional ballot is
21 someone who was otherwise eligible to vote in terms
22 of their name being on the list, but they didn't
23 have the proper identification, and so they were
24 given a conditional provisional ballot which would
25 separate specifically for people with lack of



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1 identification. So --

2 REPRESENTATIVE BROWN: Those
3 people --

4 LUIS FIGUEROA: Do we know --

5 REPRESENTATIVE BROWN: -- only for --

6 LUIS FIGUEROA: That's right. Do we
7 know for sure that those were all legitimate voters?
8 We don't. But we do know that was the reason why
9 they couldn't vote.

10 CHAIRMAN SMITH: Any other questions,
11 Members? Thank you, Luis. Appreciate it.

12 CHAIRMAN SMITH: At this time the
13 Chair calls Mary Opitz representing herself,
14 testifying in favor of Senate Bill 362. Come on
15 down.

16 MARY OPITZ: (Inaudible).

17 CHAIRMAN SMITH: We'll see.

18 MARY OPITZ: Okay.

19 CHAIRMAN SMITH: Please state your
20 name and who you represent.

21 MARY OPITZ: Sure. My name is Mary
22 Opitz, and I'm from Plano, Texas, Collin County, and
23 I am representing myself. I'm a life-long Democrat
24 who is in favor of this bill.

25 Had it been in effect I believe last



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1 spring I wouldn't have witnessed some of the
2 violations that I did see.

3 I thank the Committee for this opportunity
4 to present some information.

5 I had four items. I don't think time will
6 prevent [sic] me to -- to mention the four, but I'll
7 try to get through three.

8 CHAIRMAN SMITH: Mention as many you
9 can, and we'll ask about the others.

10 MARY OPITZ: Thank you. I appreciate
11 that.

12 CHAIRMAN SMITH: I've been asked to
13 have you pull the microphone a little closer to your
14 mouth.

15 MARY OPITZ: Okay. Like this?

16 CHAIRMAN SMITH: Yes.

17 MARY OPITZ: Thank you.

18 Excuse me. The -- the one claim I hear
19 from Democratic leaders is that this bill -- or,
20 excuse me, there have been no legal cases of fraud
21 that have been prosecuted, but I'm aware of one case
22 in Collin County that was narrowly prosecuted. It
23 was a result of the primary election last spring.
24 Charges were leveled against an individual for
25 having voted in Collin County when they resided in



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1 Dallas and -- actually lived in Dallas County. The
2 D.A. took this information to the Grand Jury and was
3 going to indict this individual until the word came
4 from the Attorney General's office not to go forward
5 because residency is fuzzy. And I understand that
6 this bill doesn't necessarily address the residency
7 issue.

8 UNIDENTIFIED REPRESENTATIVE:

9 (Inaudible).

10 MARY OPITZ: Oh.

11 UNIDENTIFIED REPRESENTATIVE:

12 (Inaudible).

13 MARY OPITZ: I guess I'm too
14 soft-spoken. Sorry. Anyway, the --

15 CHAIRMAN SMITH: Unlike most
16 Democrats I know.

17 UNIDENTIFIED REPRESENTATIVE: Oh.

18 UNIDENTIFIED REPRESENTATIVE: Oh.

19 MARY OPITZ: In other words, someone
20 who does not live in a precinct can vote there,
21 because they may have an intention of one day living
22 there. That was the word that came down. And so
23 the whole thing was dropped.

24 As a result, there was a great deal of
25 precinct shopping, as documented in a 100-page



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1 challenge that I and a few other people put together
2 to take before the State Democratic Credentials
3 Committee. Our challenge was sustained by the
4 Committee, but there was no remedy that they would
5 offer. And so as a result, people who cheated the
6 system got away with it.

7 And I should have given some background.
8 I have worked elections as well as a clerk, and so
9 I'm familiar with the process. And I'm not going to
10 get to very many of these. But I participated in my
11 own precinct's Democratic Convention on election day
12 last spring. I served on the county's Credentials
13 Committee. And because of this I not only witnessed
14 events firsthand, I was also privy to situations
15 that occurred in my county. I was part of the group
16 that I just mentioned, filed this 100-page
17 challenge. We also spoke to the temporary
18 Democratic credentials and I -- when it held a
19 hearing in Grand Prairie, Texas for north Texas
20 counties. And it was a hearing much like this. It
21 went 13 hours. We didn't testify until 11:00 p.m.
22 And during those 13 hours we heard similar issues
23 brought forward from Tarrant, Dallas, Denton and
24 Collin Counties. Anyway, so that was kind of the
25 background for this -- this challenge.



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1 I have with me documentations. Anyway,
2 I'll stop. If you have any questions about any of
3 the things --

4 CHAIRMAN SMITH: Members, any
5 questions of Ms. Opitz? Any questions, Members?

6 MARY OPITZ: Okay.

7 UNIDENTIFIED REPRESENTATIVE:

8 (Inaudible).

9 CHAIRMAN SMITH: Yeah. Let --

10 MARY OPITZ: I'm sorry?

11 CHAIRMAN SMITH: There's only time in
12 terms of the microphone. You do --

13 REPRESENTATIVE BROWN: Please finish
14 your sentence at least.

15 CHAIRMAN SMITH: Take another 30
16 seconds. Yeah. Thank you.

17 MARY OPITZ: Two really quick items.
18 One is Precinct 25 there were documented 22 people
19 who were ineligible to vote in that precinct, and
20 they -- their votes were counted. One of those
21 individuals signed in with the first name I believe
22 of Jerry, no last name, no address. The Credentials
23 Committee chose not to discard that. And, you know,
24 to me that's a fraudulent vote and it cast out other
25 voters as well as the two. But to have a single



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1 first name and have that go through was, to me,
2 totally unacceptable.

3 One case that's very personal to me, I
4 have a daughter who has special needs. She has
5 cognitive impairment. My husband and I have legal
6 guardianship for her. I think it would be very easy
7 for someone to register her name, get her voter
8 registration card and vote in her place today. And
9 so I would ask you to please protect her rights and
10 the voting rights of numerous other citizens with
11 her condition or in similar situations.

12 The one other point that I would like to
13 make is last spring -- or excuse me, last summer in
14 July the Democratic party initiated a Committee to
15 study the convention/caucus process. It was headed
16 by Senator Royce West (phonetic) of Dallas. And in
17 that kickoff meeting, Boyd Richie (phonetic), the
18 Democratic Chair, in his remarks to the Committee
19 said, "It should be hard for people to participate."
20 He was actually defending a process which in many
21 cases precludes people from voting. If he really
22 thinks it should be hard for people to exercise
23 their franchise, then I don't believe he can say
24 that this particular bill presents an onerous burden
25 for those same people. It's been --



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1 CHAIRMAN SMITH: At this point --

2 MARY OPITZ: Okay.

3 CHAIRMAN SMITH: -- to be fair to all
4 the witnesses, I'm going to have to stop.

5 MARY OPITZ: All right.

6 CHAIRMAN SMITH: Otherwise, it would
7 be unfair to the other witnesses.

8 MARY OPITZ: I thank you for your
9 time.

10 REPRESENTATIVE VEASEY: One question.

11 CHAIRMAN SMITH: Representative
12 Veasey.

13 REPRESENTATIVE VEASEY: What were you
14 saying about Chairman Richie again? What -- would
15 you repeat that?

16 MARY OPITZ: Yes. The purpose of
17 this Committee hearing -- or this Committee of the
18 Democratic party was to study the convention caucus
19 process and they held hearings throughout the State.

20 REPRESENTATIVE VEASEY: Right.

21 MARY OPITZ: But the kickoff hearing
22 was in July here in Austin. And at that time --

23 REPRESENTATIVE VEASEY: I'm on that
24 Committee.

25 MARY OPITZ: Okay. Boyd Richie and



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1 the legal counsel both identified that there were --
2 there was evidence that rules and laws weren't
3 followed in the precinct conventions. But what
4 really caught my eye and seems hypocritical to me is
5 the contention that this bill presents an onerous
6 burden for the same individuals that it's well
7 documented the conventions provide a hardship on.
8 And he said that it should be hard for people to
9 participate in the conventions. The elderly, people
10 with shift work, people with young children, people
11 who are in the military and perhaps deployed cannot
12 participate in those. And did -- he did not see
13 that that was a particular onerous burden or a
14 problem. And I think that that's just inconsistent
15 that you can hold -- that the conventions are not a
16 burden and --

17 REPRESENTATIVE VEASEY: I -- I --

18 MARY OPITZ: Okay.

19 REPRESENTATIVE VEASEY: -- know the
20 Chairman very well and sat in on those committees.
21 I don't remember him making any sort of statement --

22 MARY OPITZ: I don't think you were
23 there, but I do have it on film. I taped his
24 conversation.

25 REPRESENTATIVE VEASEY: -- I don't



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1 remember him making any statements like that. And
2 you may have misunderstood his comments or --

3 MARY OPITZ: That may have been the
4 case. That may have been the case, but I don't
5 believe so.

6 REPRESENTATIVE VEASEY: Thank you.

7 CHAIRMAN SMITH: Chairman would like
8 to indicate for the record that Dr. Alan has joined
9 us.

10 Any other questions, Members, for this
11 witness?

12 REPRESENTATIVE BROWN: Just one
13 question.

14 CHAIRMAN SMITH: Ms. Brown.

15 REPRESENTATIVE BROWN: Did you attend
16 either the State or Democratic Convention?

17 MARY OPITZ: I did, but I was a
18 delegate. I was a volunteer working the Democratic
19 Convention and --

20 REPRESENTATIVE BROWN: So you saw the
21 delegates as they came in?

22 MARY OPITZ: Yes.

23 REPRESENTATIVE BROWN: Did they have
24 to present a photo I.D. to enter for the convention?

25 MARY OPITZ: Yes, ma'am.



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1 REPRESENTATIVE BROWN: Thank you.

2 That's interesting.

3 MARY OPITZ: Oh, I'm sorry. Excuse
4 me. Am I dismissed?

5 CHAIRMAN SMITH: Any other questions
6 of this witness, Members? I think you're dismissed.

7 MARY OPITZ: Okay.

8 CHAIRMAN SMITH: Thank you very much.

9 MARY OPITZ: Thank you for your time.

10 CHAIRMAN SMITH: You bet.

11 UNIDENTIFIED REPRESENTATIVE:

12 Chairman?

13 CHAIRMAN SMITH: Yes.

14 UNIDENTIFIED REPRESENTATIVE: It's my
15 understanding we had varied -- took a few witnesses
16 so -- because of the connection to last night. Can
17 we switch back and let some of these Members lay out
18 their bill so that they can go on to their other
19 committees --

20 CHAIRMAN SMITH: Not at this time.
21 We'll engage about discussions about doing that, but
22 I -- I need to understand what we're doing before we
23 do that, if that's okay.

24 UNIDENTIFIED REPRESENTATIVE: Okay.

25 Okay.



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1 CHAIRMAN SMITH: At this time the
2 Chair calls Doug Bell, who represents himself and is
3 testifying against Senate Bill 362.

4 DOUG BELL: Thank you very much. My
5 name's Doug Bell, and I am representing myself. I'm
6 also here to speak on behalf of homeless people and
7 working poor. And my credentials in that area are
8 that I have started and worked in a -- a homeless
9 shelter in downtown Austin for the past ten years.
10 So I'm here to tell you how this bill will affect
11 the folks that are working poor and homeless.

12 First of all, working people -- working
13 poor people and homeless people do want to vote.
14 Many of them very interested in state and local
15 elections. A lot of them are proud veterans, as a
16 matter of fact, who want to participate in their --
17 in their political process, because they've served
18 their country. They have a right to vote. And if
19 bureaucratic roadblocks keep them from the polls,
20 then they feel like they've been unfairly excluded.

21 Now, you asked earlier, Representative
22 Smith, if there was anybody that doesn't have any of
23 the things on that list. Yes, there are. A lot of
24 these folks do not have any of those things. And
25 you might ask why is that. Well, several reasons.



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1 First of all, if you carry everything that you own
2 in a backpack, there's a good chance that's going to
3 get stolen if you fall asleep somewhere. And that
4 does happen a lot. So we have individuals on a
5 regular basis who do not have any I.D. Believe me,
6 they want to have I.D., not particularly because
7 they want to vote, but because they want to get a
8 job, and they want to find a place to work. And so
9 it is a problem with -- with them, and we help those
10 folks try to get I.D.s.

11 And so what I'm here to tell you about is
12 how hard it is to actually get an I.D.

13 On the back page of what I passed out is a
14 sheet on this blue sheet that we pass out to all the
15 homeless folks that say they want to get an I.D. and
16 it describes how to do that. And the bottom line on
17 it, since I have limited time, is that it typically
18 takes them from six to ten weeks to be able to get a
19 photo I.D. because of the process they have to go
20 through. If they're lucky and were born in Texas,
21 then they can get a birth certificate fairly
22 quickly, but it cost \$23, so that's a deterrent
23 right there. So you talked about possibly having
24 free photo I.D. That doesn't solve the free birth
25 certificate problem. So because they can't afford a



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1 birth certificate, they can't afford to even go get
2 a free photo I.D. So that would be a problem that I
3 would see with the way the bill's written right now.

4 We do try to get those folks registered to
5 vote, and we did a lot of that during this past
6 election cycle. And there, you know, you fill out
7 an application, and you sign it saying that you're a
8 citizen and that you're able to vote. And a lot of
9 those did that. If we had to say to those people,
10 "Well, come back when you've gotten your birth
11 certificate and when you've gotten your photo I.D.
12 and then we'll sign you up to register -- register
13 to vote," that would be a problem. So, anyway,
14 these folks do definitely have a burden, and they
15 will be disenfranchised by this bill. So I
16 recommend you vote against it. Thank you.

17 CHAIRMAN SMITH: Just a question --
18 quick question. I mean, you -- you cite the example
19 of the guy who has a backpack that was stolen just
20 before the election. And I'm presuming, you know,
21 that you're talking about, by and large, someone
22 who's homeless, sleeping on the street, something of
23 that effect?

24 DOUG BELL: Right. Or living in
25 shelters, right.



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1 CHAIRMAN SMITH: Everything they've
2 got is in a backpack?

3 DOUG BELL: Right.

4 CHAIRMAN SMITH: And I guess the only
5 way that we address that problem of that identifying
6 individual [sic] is to have no identification
7 requirements whatsoever and simply allow people to
8 go in the polls and say, "I am so and so," and if
9 the name matches a name to the rolls let them vote
10 without any documentation of any kind. That's the
11 only way to address that concern you're expressing.

12 DOUG BELL: And I'm not advocating
13 that. What I'm saying is at least --

14 CHAIRMAN SMITH: Are there any
15 identification requirements that -- that might be
16 presented to that guy who everything he owns is in a
17 backpack and it is stolen within a few days before
18 an election, is in trouble?

19 DOUG BELL: Well, he might not be
20 able to afford to get to -- a photo I.D. He might
21 be able to afford to get a birth certificate. But
22 today he can afford to get a voter registration
23 card. So that may be the only thing he has. In
24 fact, that's one of the forms of I.D. we tell them
25 to get first is voter registration, because it is



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1 free.

2 CHAIRMAN SMITH: But under current
3 law, current law, if that voter registration is
4 stolen within a certain number of days before the
5 election before he has an opportunity to go get a
6 copy of it, he's in trouble. Right?

7 DOUG BELL: That's right. But what
8 I'm saying is it takes -- they often go for months
9 and months without any of those other
10 identifications because they can't afford to do it.

11 CHAIRMAN SMITH: So in light of the
12 fact that you're concerned about present
13 requirements, I take it that you do not agree with
14 the card or (inaudible) recommendations in terms of
15 enhancing security of our polls in general?

16 DOUG BELL: I'm not familiar with
17 what those rules are exactly. I don't know.

18 CHAIRMAN SMITH: Okay. Any other
19 questions, Members? Yes. Representative Bohac.

20 REPRESENTATIVE BOHAC: You said that
21 during this last election -- (inaudible) last
22 election you went out to try to help homeless people
23 register to vote. Is that right?

24 DOUG BELL: Yes, sir.

25 REPRESENTATIVE BOHAC: That's



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1 certainly a laudable goal. But I just have some
2 practical questions.

3 How would you help them go vote after they
4 got their card and what address would you use to
5 have their card mailed to?

6 DOUG BELL: You use the address of
7 the shelter. And so we have probably, oh, easily
8 100 people who use the address of the shelter. And
9 so when the card is mailed - we do have a mail
10 service for people, also - then we give them their
11 card. And if they are able to hold onto it, then
12 they're eligible to vote. And then we encourage
13 them to go to the polls. We tell them where the
14 polls are and that sort of thing.

15 REPRESENTATIVE BOHAC: Okay. I would
16 certainly believe and hope you all are going to help
17 them to -- or provide them with transportation or
18 something to help them go vote. I mean, if they're
19 homeless, transportation would probably be an issue.

20 DOUG BELL: It is. It is.
21 Transportation is an issue. We don't help with
22 transportation. We don't have the funds for that.
23 We used to, but funds are down these days, so we are
24 not able to give out bus tickets like we used to.

25 REPRESENTATIVE BOHAC: Okay. I



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1 was -- I was just curious, you know, about how the
2 process works.

3 DOUG BELL: Sometimes the polls are
4 close enough. You know, I mean, Trinity Center is
5 downtown, and there's facilities for early voting
6 anyway nearby. And they walk a lot, so they get a
7 way -- get around a lot that way.

8 CHAIRMAN SMITH: And I guess I just
9 want to make one follow-up comment. While I don't
10 believe we can develop our identification
11 requirements as a state around the horror story of
12 the homeless gentleman whose entire possessions are
13 in a backpack that is stolen within a few days of
14 the election --

15 DOUG BELL: Uh-huh.

16 CHAIRMAN SMITH: -- I do understand
17 and am sympathetic to the fact that even that guy
18 under those circumstance has a constitutional right
19 to vote.

20 DOUG BELL: Uh-huh.

21 CHAIRMAN SMITH: And I think that
22 there has been discussion today from Buck Wood and
23 other -- other Members about how even that
24 individual, that worst-case scenario, that -- that
25 horror story could be allowed to cast a provisional



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1 ballot which, under a variety of mechanisms so long
2 as that individual is able to establish that they
3 are who they say they are within a reasonable period
4 of time --

5 DOUG BELL: Uh-huh.

6 CHAIRMAN SMITH: -- would have their
7 vote counted anyway, even under the worst horror
8 story that you could imagine in testifying today.
9 And I -- I -- I just want to make it clear that --
10 that -- that even though I think that's an extreme
11 example that is almost never going to occur, that
12 guy still has a constitutional right to vote, and
13 we're going to be trying to find a way to make sure
14 that his vote is counted to the extent that he is
15 who he says he is, and that is a legal United States
16 voter.

17 UNIDENTIFIED REPRESENTATIVE:

18 Representative (inaudible).

19 DOUG BELL: Free birth certificates
20 would help.

21 CHAIRMAN SMITH: What's that?

22 DOUG BELL: Free birth certificates
23 would help.

24 CHAIRMAN SMITH: We're going to
25 consider every possibility. We have to consider



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1 fiscal notes, as well.

2 DOUG BELL: Right.

3 CHAIRMAN SMITH: I think we could
4 balance cost and principles here.

5 Yes. Representative.

6 REPRESENTATIVE BROWN: Would you give
7 me a ballpark figure of the -- maybe the percentage
8 of people that you deal with that you're absolutely
9 not able to get them some kind of I.D.?

10 DOUG BELL: Yes, ma'am. I would say
11 that on a given day -- we see about 100 people a
12 day. And of those, we'll talk to, oh, you know, 15
13 or so that are trying to get an I.D. And so there
14 probably are somewhere in the neighborhood of
15 20 percent who have no I.D. at all on any given day.

16 So then we present them with this -- this
17 document that I showed you and try to help them
18 through the process. One of the first things we do
19 is we'll help them get a transcript from their high
20 school or their junior high. So that's one of the
21 forms of I.D. So we try to help them do that. We
22 try to get them a voter registration card, because
23 that's another form of I.D. that's on the list. And
24 we try to help them through the process. But
25 typically it will take them -- well, as I said in my



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1 report here, it takes six to ten weeks and costs
2 \$50. And the \$50 is usually the biggest problem.
3 But it takes a long time and a lot of determination,
4 you know, to get their I.D. So any given day,
5 probably 20 percent don't have any I.D. at all.

6 REPRESENTATIVE BROWN: I've been told
7 that if you get a -- with a voter registration
8 certificate you can get a driver's license. Is that
9 correct?

10 DOUG BELL: If -- if you -- no, I
11 don't think so. I think you have to have a birth
12 certificate.

13 REPRESENTATIVE BROWN: You have to
14 have other documentation?

15 DOUG BELL: Uh-huh. You have to have
16 two documents, and one of them would be a birth
17 certificate to do that and a Social Security card.

18 Typically what we cross, we -- while we're
19 helping them apply for birth certificate, we also
20 help them get their high school I.D. information.
21 That takes a few weeks. Once that comes in, we send
22 them to Social Security to get a Social Security
23 card, which is free. And then they can go down to
24 DPS and try to get either a Texas I.D., a photo
25 I.D., or a -- a driver's license. Mostly they get a



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1 photo I.D., because they don't drive.

2 REPRESENTATIVE BROWN: And -- and the
3 cost on it is?

4 DOUG BELL: I believe it's around 22,
5 \$25, I think, for the driver's license. The photo
6 I.D., I think, is 15. And that -- that's a big sum
7 for the folks that we deal with.

8 REPRESENTATIVE BROWN: How much of a
9 problem -- you showed me the sheet -- well, this
10 sheet right here that has all the instructions on
11 it.

12 DOUG BELL: Uh-huh.

13 REPRESENTATIVE BROWN: How much of a
14 problem is illiteracy among that population?

15 DOUG BELL: It's a big problem. And
16 another problem is reading glasses. We pass out
17 free reading glasses, the -- the kind you get at the
18 drugstore that are pretty cheap. We pass those out,
19 because people literally can't see the forms. We
20 help out with that. And illiteracy is another
21 problem. We help them fill out forms.

22 REPRESENTATIVE BROWN: Thank you.

23 DOUG BELL: Uh-huh.

24 CHAIRMAN SMITH: And you do
25 understand under the Senate bill the proposal is to



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1 provide people with a free photo I.D.?

2 I understand that some of the documents
3 that would be necessary to get the photo I.D. cost
4 money, but you've identified others that do not cost
5 money. Is that correct?

6 DOUG BELL: That's correct. But I
7 think you have to at least have that birth
8 certificate, which costs money. So I don't think
9 there's a free path even if the photo I.D. is free.
10 I don't think that's a free path.

11 CHAIRMAN SMITH: So you don't think
12 the Social Security card itself is sufficient?

13 DOUG BELL: You can't get that unless
14 you have the birth certificate.

15 CHAIRMAN SMITH: Okay. I will -- I
16 will -- I will look at that. I've got some
17 information back here that will answer those
18 questions.

19 Yes. Any other questions, Members?

20 Thank you very much.

21 DOUG BELL: Thank you. Thank you.

22 CHAIRMAN SMITH: Thank you for your
23 testimony.

24 At this time the Chair calls Stephan
25 Findley testifying on behalf of the Republican Party



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1 of Texas and also representing himself in favor of
2 Senate Bill 362.

3 Please state your name again and who you
4 represent.

5 STEPHAN FINDLEY: Steve Findley. I'm
6 the Senate Executive Republican Committeeman from
7 Senate District 1. More so than that, I'd like to
8 be here as the father of eight young Texans who I
9 have an innate desire to leave for them the State of
10 Texas in the same shape, if not better shape, than I
11 received it in. It's a very wonderful state, and
12 I'm proud to live in it.

13 As a nation, we have exported or stood
14 before the whole world and exported democracy and
15 said, "This is the model of government that will
16 bring prosperity to your people." We have actually
17 gone -- gone as far as tell them that one person
18 should have one vote in securing that democracy for
19 your people.

20 The voter fraud issue can be solved. We
21 can have 99.9 percent accuracy in this. We live in
22 a -- we live in a country where we don't have to use
23 the purple paint to make sure that we have one
24 person casting one vote. We can do it with
25 technology, a voter I.D. card. Senate Bill 362, I



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1 think, is a great step in the right direction toward
2 achieving this high integrity in the voting process.
3 I would encourage the Committee to advance it to a
4 full vote and bring it to fruition in the State of
5 Texas.

6 I would like to note that I read in the
7 paper this morning -- it's the -- the local Austin
8 paper; it's the front page about Bill 362. It said
9 that people of brown, black and elders would be
10 discouraged from voting because of pursuing a voter
11 I.D. card. Personally, I find that awkward in that
12 in the town I live in every day, I drive around with
13 lots of Hispanic folks driving their cars, lots of
14 black folks driving their cars. I have African
15 American friends that work with me, Hispanic friends
16 that work with me, and my parents are elder people,
17 75 and 73. And they all have made the effort to not
18 only go and pass the test, but they also go and
19 renew their driver's license. I don't see how
20 getting a voter I.D. card is going to be a huge
21 obstacle for our Hispanics and our blacks and our
22 elderly Texans.

23 Thank you for your time.

24 CHAIRMAN SMITH: Just -- just to be
25 fair to the witness who testified before, I did look



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1 up the process for getting DPS-issued I.D. cards,
2 and it requires you to issue a -- either a
3 government-issued photo I.D., which obviously if
4 you're getting for purposes of voting, you would --
5 you would have one, or a birth certificate and two
6 supporting documents.

7 So to the extent that we required every
8 voter in Texas to have a photo I.D., unless we
9 provided free birth certificates in addition to a
10 free photo I.D., then it would place a requirement
11 on those voters to pay anywhere from 22 to \$43
12 depending on whether they ordered the birth
13 certificate by mail or whether they got it in
14 person, et cetera. And just for the purposes of the
15 audience, this is something you need to be aware of.
16 That's one of the things that was addressed in the
17 Supreme Court opinion is that the poll tax that was
18 found unconstitutional in 1965 was \$1.50. On an
19 inflation-adjusted basis that's about \$10.

20 To the extent that you require voters to
21 obtain documents in the 20 to 40-dollar range --
22 now, this would only be a one-time purchase unlike
23 the poll tax where you had to pay it every time you
24 voted, but I think it does subject you to legitimate
25 concerns about economic barriers to the polls, which



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1 is why I have not been a proponent of the Indiana
2 law and why the Senate opted for a different version
3 which -- which allowed photo identification but also
4 provided a bypass, an alternative, to provide for
5 two photo -- two non-photographic identifications to
6 eliminate any legitimate concerns on the part of our
7 Democratic colleagues about any economic barriers to
8 the polls, which -- which I don't want to support.
9 Just -- just for some educational background for you
10 and for anybody else in the audience who may not be
11 aware of those facts.

12 Anybody else who has any questions?

13 Representative Heflin.

14 REPRESENTATIVE HEFLIN: Mr. Findley,
15 as to the issue of mail-in ballot fraud which seems
16 to be, from all the testimony we've heard, the area
17 where it's the highest concentration, just what --
18 what -- have you thought about what would help that
19 situation? That seems to be one area of fraud that
20 we -- we struggle with.

21 STEPHAN FINDLEY: Yes, sir. I've got
22 a couple of colleagues from Bowie County that will
23 testify before you shortly on this, and they're the
24 real experts at it.

25 I personally would like to see a special



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1 prosecutor appointed.

2 REPRESENTATIVE HEFLIN: Okay.

3 STEPHAN FINDLEY: And that person
4 could be summoned -- we all know that voter --
5 mail-in ballot voter fraud is going on, and in our
6 area it's not prosecuted. Although all the
7 documentation needed, signatures, spoiled ballots,
8 personal witnesses, everything you need there to
9 successfully prosecute this is available, it has not
10 been prosecuted because of the political
11 ramifications related to the prosecuting District
12 Attorney in that county.

13 If you had an independent special
14 prosecutor whose mission was to go and prosecute
15 individuals that were doing this kind of mail-in
16 fraud and word got around the State that they will
17 put you in the penitentiary for this, I think you
18 would see a 90 -- a 90 percent reduction in that
19 kind of activity.

20 REPRESENTATIVE HEFLIN: And -- and
21 this actually could be a regional-type thing. Would
22 you agree with me?

23 STEPHAN FINDLEY: Absolutely.

24 REPRESENTATIVE HEFLIN: He could have
25 ten counties to cover and actually would make it



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1 easier.

2 STEPHAN FINDLEY: Absolutely. Folks
3 show up with a gold badge and start taking testimony
4 under oath, you'll get to the bottom of these type
5 of problems very quickly.

6 CHAIRMAN SMITH: Representative.

7 REPRESENTATIVE BROWN: Thank you.
8 Thank you for your testimony.

9 I think that -- I wish there were some way
10 we would find -- we could have the numbers broken
11 down so that when we're talking about elderly who
12 could -- could possibly be disenfranchised --
13 disenfranchised, we could actually see the number
14 taken away that are already using mail-in ballots,
15 because actually none of the bills we're here to
16 discuss today are addressing the mail-in problem.
17 We're trying to take, as I said earlier, this first
18 baby step toward photo identification. But if we
19 could remove those who are, you know, using the
20 mail-in process and don't have to show any kind
21 of -- of I.D.

22 Also, if we could see those who are very,
23 very poor and are using a Lone Star card or
24 something of that nature who had to prove some way
25 their identity in order to qualify for their Lone



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1 Star card or their Medicaid, one of those, I -- I --
2 we haven't taken that into consideration in this
3 process.

4 It seems to me to -- to figure out just,
5 you know, how few or how many, that this -- this
6 would affect. And I'm not discounting those cases
7 that -- that the gentleman earlier talked about in
8 the shelter. We need to find a way to -- to address
9 that, too.

10 STEPHAN FINDLEY: On the way back to
11 Marshall tonight or tomorrow, I will not drive
12 120 miles an hour. I know it's against the law, and
13 I know they'll take me, put me in jail.

14 REPRESENTATIVE BROWN: Uh-huh.

15 STEPHAN FINDLEY: If we have
16 enforcement of the existing laws --

17 REPRESENTATIVE BROWN: Good point.

18 STEPHAN FINDLEY: -- that does not
19 tolerate this rampant voter fraud of mail-in ballots
20 and if word gets around the state that they'll put
21 you in the penitentiary for it --

22 REPRESENTATIVE BROWN: Uh-huh.

23 STEPHAN FINDLEY: -- you'll see this
24 practice diminish dramatically within a 24-month
25 period.



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1 REPRESENTATIVE BROWN: I think you're
2 right. We've had cases of -- of election fraud, not
3 necessarily what we're talking about, election fraud
4 in my county and it was taken all the way to the
5 Grand Jury. And you know, nothing was done, even
6 though they knew that it took place. And -- and
7 this actually was impersonation, come to think of
8 it. But I think you're right, that -- that people
9 don't have anything to fear from -- from doing these
10 things. And so that needs to be changed, too. They
11 need to realize it is serious. And I think that
12 we're sending a message that we take it seriously
13 when we -- when we require photo I.D.

14 STEPHAN FINDLEY: I have had the
15 privilege to travel around the world and see some
16 nations that don't have it as well as we do here in
17 the U.S. And I've come to understand that it is a
18 wonderful, wonderful, personal privilege to live in
19 a country like this.

20 REPRESENTATIVE BROWN: Every time I
21 say that I get (inaudible). But I consider it both.

22 STEPHAN FINDLEY: Taking the time to
23 position one's self to vote over a 20-month --
24 24-month period in that nation's operations is a
25 great privilege and a responsibility, as well. And



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1 that would be the message that I would hope we would
2 take forward as well is that everyone in this
3 country has a right to vote; do it responsibly and
4 enjoy the -- the privileges of this nation.

5 CHAIRMAN SMITH: Representative
6 Heflin? Sorry. I'm sorry. Representative, were
7 you done? I thought -- thank you.

8 REPRESENTATIVE HEFLIN: Mr. Findley,
9 just so you're aware, in the last election cycle we
10 had an amendment for creation of Election Integrity
11 Unit and also appointment of Special Prosecutor Unit
12 for this type of issue.

13 STEPHAN FINDLEY: Yes, sir.

14 REPRESENTATIVE HEFLIN: I'm going to
15 present those amendments again, and I would hope to
16 get support. And as a taxpayer -- now, this is
17 always a question we get. I personally think it
18 would be well worth the money spent, because I don't
19 think it would last long, just like you stated.
20 Once we nip it in the bud, I think it's going to go
21 away.

22 STEPHAN FINDLEY: Yes, sir.

23 REPRESENTATIVE HEFLIN: You think I'm
24 wrong?

25 STEPHAN FINDLEY: No. You're



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1 100 percent right on.

2 REPRESENTATIVE HEFLIN: Thank you,
3 sir.

4 STEPHAN FINDLEY: Thank you.

5 CHAIRMAN SMITH: Any other -- yes.
6 Any other members from the Committee, questions?
7 Representative Veasey.

8 REPRESENTATIVE VEASEY: Thank you,
9 Mr. Chairman. Are you here from Marshall?

10 STEPHAN FINDLEY: Yes, sir.

11 REPRESENTATIVE VEASEY: Okay. And
12 you know -- and luckily we're post that era, but you
13 know some bad things happened in Marshall during the
14 day.

15 STEPHAN FINDLEY: Yeah. And we just
16 recently elected our first African American 71st
17 District Judge, who I was the No. 1 private
18 supporter of. So some good things are happening in
19 Marshall.

20 REPRESENTATIVE VEASEY: Right. And
21 my family migrated, on my dad's side, from Marshall
22 to the Fort Worth area.

23 STEPHAN FINDLEY: Great.

24 REPRESENTATIVE VEASEY: So I'm
25 familiar with the Marshall area very well. But you



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1 know Jim Farmer, very famous civil rights activist
2 in the '50s and '60s, very close with Dr. King --

3 STEPHAN FINDLEY: Uh-huh.

4 REPRESENTATIVE VEASEY: -- he was
5 from the Marshall area. I don't know if you knew
6 that. He was --

7 STEPHAN FINDLEY: No, no. I do.

8 REPRESENTATIVE VEASEY: -- and
9 (inaudible) the great debaters. I don't know if
10 you've had a chance to see it. Great movie.

11 STEPHAN FINDLEY: Wiley -- what do
12 you call it?

13 REPRESENTATIVE VEASEY: Wiley
14 (inaudible).

15 STEPHAN FINDLEY: And --

16 REPRESENTATIVE VEASEY: And you
17 understand that -- because you understand history
18 and you understand Marshall, that the right to vote
19 is not a privilege. The right to vote is a right,
20 and it was earned. It was --

21 STEPHAN FINDLEY: It's a privilege
22 you can lose if you get caught doing felonous stuff.

23 REPRESENTATIVE VEASEY: Exactly. But
24 you understand it was a right that was --

25 STEPHAN FINDLEY: Sure.



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1 REPRESENTATIVE VEASEY: -- by those
2 individuals I just named?

3 STEPHAN FINDLEY: Sure.

4 REPRESENTATIVE VEASEY: And it was a
5 right that they died, bled for, thrown in jail for,
6 had dogs sicked on them for --

7 STEPHAN FINDLEY: Right.

8 REPRESENTATIVE VEASEY: -- had water
9 pressure hoses sprayed on them so they could have
10 that right to pass it down to generations past them
11 so they wouldn't have to go through that same --

12 STEPHAN FINDLEY: You bet.

13 REPRESENTATIVE VEASEY: -- situation.

14 STEPHAN FINDLEY: Have you ever been
15 to Arlington National Cemetery in Washington?

16 REPRESENTATIVE VEASEY: I have been
17 to Arlington National Cemetery.

18 STEPHAN FINDLEY: There, too, are men
19 and women of all ethnic races --

20 REPRESENTATIVE VEASEY: Absolutely,
21 but --

22 STEPHAN FINDLEY: -- that have earned
23 that same right.

24 REPRESENTATIVE VEASEY: Absolutely.
25 Since -- but since we're talking about the fact that



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1 this bill may have a disproportionate effect on some
2 of the folks like we just talked about that
3 Mr. Farmer and other people down in east Texas were
4 fighting very hard for, we want to make sure that we
5 don't revisit that, because --

6 STEPHAN FINDLEY: You bet.

7 REPRESENTATIVE VEASEY: -- because
8 just like you have eight kids, I have a
9 three-year-old. I don't want my son to have to, you
10 know, go through, and I'm glad that I didn't have to
11 go through, some of those same atrocities.

12 STEPHAN FINDLEY: You bet.

13 REPRESENTATIVE VEASEY: So what I'm
14 asking you today -- the questions that I'm asking
15 you today is that as a Republican --

16 STEPHAN FINDLEY: Yes.

17 REPRESENTATIVE VEASEY: -- as
18 somebody that doesn't want their kid to live through
19 it -- and I think it was Jim Lare (phonetic) that
20 did a great special about Marshall, Texas called
21 "Marshall, Texas" --

22 STEPHAN FINDLEY: Right.

23 REPRESENTATIVE VEASEY: -- you don't
24 want your kids -- your eight kids to have to live in
25 the old Marshall, Texas. You want them to live in



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1 the new Marshall, Texas.

2 Would you be supportive of amendment --
3 hold on. Let me ask my questions before you answer.

4 Would you be supportive of an amendment
5 that would allow individuals to vote, individuals
6 that live out in those Elysian Fields that may not
7 have a car, that may not be able to get around town
8 so easily as you can --

9 STEPHAN FINDLEY: Uh-huh.

10 REPRESENTATIVE VEASEY: -- would you
11 be willing to support an amendment that would make
12 sure that those folks that don't have an I.D. that
13 maybe was born and have different last names, you
14 know, like -- like everybody -- a lot of folks down
15 in Marshall that are related to me, their name is
16 V-A-S-L-E-Y and I'm V-A-S-E-Y [sic] because of
17 various things that happened. And some of those
18 folks aren't that old. Some of those folks are in
19 their 50s. To make sure that everybody, regardless
20 of if they had an I.D., if they are lawful and
21 they're not impersonating someone, that on election
22 day when they go to cast a ballot that people died
23 and bled for that they're vote would count on
24 election day?

25 STEPHAN FINDLEY: Three points --



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1 REPRESENTATIVE VEASEY: I just
2 want -- make your point.

3 STEPHAN FINDLEY: I'm going to.

4 REPRESENTATIVE VEASEY: Answer my
5 question. Do you want --

6 STEPHAN FINDLEY: I'm going to. I'm
7 going to answer all three of your inquiries. Okay?

8 REPRESENTATIVE VEASEY: One -- but I
9 just -- but just for the record, it would be great
10 if you could answer the question simply do you want
11 to make sure that everybody who is legally -- who
12 has a legal right to vote in this country and in
13 Marshall, Texas, has that right on election day, and
14 would you support an amendment to make sure --

15 STEPHAN FINDLEY: Well --

16 REPRESENTATIVE VEASEY: -- whether
17 they have an I.D. or not --

18 STEPHAN FINDLEY: Yes, sir.

19 REPRESENTATIVE VEASEY: -- to make
20 sure that their vote counts?

21 STEPHAN FINDLEY: Well, let me -- let
22 me answer in three points to you.

23 REPRESENTATIVE VEASEY: But you can't
24 answer in yes or no? You can't -- just simply just
25 as a basic human rights question, can you answer yes



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1 or no?

2 STEPHAN FINDLEY: One --

3 REPRESENTATIVE VEASEY: No. Okay.

4 STEPHAN FINDLEY: -- my old General
5 used to say I'm in violent agreement with you about
6 folks having the right to vote and the prosperity
7 for all of our children.

8 Two, I live in Elysian Fields and know a
9 lot of those people you're talking about.

10 Three, if they comply with the law, if
11 that's what the legislature puts forward, and have
12 the identification elements that 362 talks about,
13 yes, they get to vote. And even if they don't have
14 those elements, they get to cast a provisional
15 ballot which can count for them.

16 But for -- for folks to vote with no I.D.
17 whatsoever --

18 REPRESENTATIVE VEASEY: If they have
19 transportation to make it back down to the
20 courthouse from the Elysian Fields. And if they
21 don't have that transportation --

22 STEPHAN FINDLEY: No, no, no, no.

23 REPRESENTATIVE VEASEY: -- or can't
24 make it back in 48 hours, because they have to go
25 back and take care of their kids, you're saying you



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1 don't want their vote to count because --

2 STEPHAN FINDLEY: Well, see, again, I
3 know lots of people --

4 REPRESENTATIVE VEASEY: -- telling me
5 here today?

6 STEPHAN FINDLEY: I'm from Elysian
7 Fields, and what you're telling me doesn't hook up.

8 REPRESENTATIVE VEASEY: But I'm
9 telling you that my family --

10 STEPHAN FINDLEY: The folks that live
11 in Elysian Fields --

12 REPRESENTATIVE VEASEY: Uh-huh.

13 STEPHAN FINDLEY: -- have the
14 wherewithal --

15 REPRESENTATIVE VEASEY: Not all of
16 them.

17 STEPHAN FINDLEY: I find that hard to
18 believe.

19 REPRESENTATIVE VEASEY: Well, you
20 need to be a little more connected to your
21 community.

22 STEPHAN FINDLEY: Do you live in
23 Elysian Fields? Do you live in Elysian Fields?

24 REPRESENTATIVE VEASEY: No.

25 STEPHAN FINDLEY: I do.



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1 REPRESENTATIVE VEASEY: I've been
2 down there before.

3 STEPHAN FINDLEY: I know Elysian
4 Fields like the back of my hand.

5 REPRESENTATIVE VEASEY: I've been
6 down there before.

7 STEPHAN FINDLEY: I find it very --

8 REPRESENTATIVE VEASEY: I'm not going
9 to argue with you over a place that I've been
10 before --

11 STEPHAN FINDLEY: -- I find it very
12 much --

13 REPRESENTATIVE VEASEY: -- you may
14 live there, but --

15 STEPHAN FINDLEY: -- I find it very
16 (inaudible) that we're going to disenfranchise a
17 single vote --

18 REPRESENTATIVE VEASEY: You just said
19 that --

20 STEPHAN FINDLEY: -- in Elysian
21 Fields --

22 CHAIRMAN SMITH: Whoa, whoa, whoa.
23 I'm trying to let this go, but let's make sure this
24 is a question and answer format.

25 REPRESENTATIVE VEASEY: Right. And



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1 I -- and I just wanted to just find out from him --

2 CHAIRMAN SMITH: Yeah.

3 REPRESENTATIVE VEASEY: -- that he
4 wanted to make sure those folks could go back and
5 vote and make sure their vote would count --

6 STEPHAN FINDLEY: Ask a question --

7 REPRESENTATIVE VEASEY: -- if they
8 don't have an I.D. --

9 CHAIRMAN SMITH: Ask a question.

10 REPRESENTATIVE VEASEY: And so he's
11 telling me no. And that's all I need to know. I
12 don't need any more explanation.

13 I appreciate you coming down from east
14 Texas. Thank you very much.

15 STEPHAN FINDLEY: You bet.

16 CHAIRMAN SMITH: Is there any
17 question he asked that you didn't get an opportunity
18 to answer that you wish to?

19 STEPHAN FINDLEY: No. I think I made
20 myself perfectly clear that I am color-blind. I
21 look at content of character. And everybody that
22 complies with the law should have the right to vote.
23 Even if they don't (inaudible) required documents,
24 we still vote a provisional ballot. We are not
25 trying to exclude anybody. We are trying to ensure



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1 that every vote cast counts and is not
2 disenfranchised by a fraudulent vote. That's what
3 we're trying to do. It --

4 CHAIRMAN SMITH: Any other questions,
5 Members, for this witness? Thank you,
6 Mr. Findley --

7 STEPHAN FINDLEY: Thank you,
8 Committee.

9 CHAIRMAN SMITH: -- for your time.

10 At this time the Chair calls Mark Hester,
11 who is testifying on behalf of the Brain Injury
12 Association of Texas against Senate Bill 362. Would
13 you please state your name and who you represent.

14 MARK HESTER: Yes. I'm Mark Hester.
15 I'm a member of the Brain Injury Association of
16 Texas. I'm a -- I'm a board member. And one thing
17 I didn't want us to overlook is the fact that I'm
18 representing a group that I belong to by way of my
19 sometimes trait that's dis -- discriminated against,
20 and yet it's -- it's not always immediately evident,
21 and that is my brain injury.

22 Now, I -- my -- my -- my -- my fell --
23 fellow clients that I have just spent the last three
24 days with at our Brain Injury Association
25 Conference, you know, are -- are -- are befuddled



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1 sometimes by why it is that I'm able to attend and
2 share that -- to -- to try to keep myself especially
3 on track and not so prone to tangential discussions,
4 you know, heading that way or this way, that --
5 that -- which is the nature of my brain injury,
6 the -- a -- an organic variety. It's not due to
7 a -- a -- an impact or a physical trauma. It's a --
8 it's what they -- it's what folks impaired by a
9 disease process are affected or encumbered by.

10 And the reason I'm here in particular is
11 to share the fact that that organization has
12 membership like myself that are -- I think for the
13 most -- well, I say -- I'm going to say that for the
14 most part -- I -- I -- it would be -- it would be
15 almost impossible for me to believe that there was
16 some type of deliberate discrimination between
17 myself and my fellow citizenry, because we're like,
18 you know, everybody else that's living and breathing
19 the best that they can and that's to get the most
20 out of what life may yet have to offer them. And so
21 we -- we get an eminent charge -- and I'm saying
22 this, folks, just to emphasize the fact that we're
23 not -- the -- the group that I'm representing
24 doesn't have all of the medals and ribbons to
25 represent our successes in life like some folks are



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1 able to achieve. But I'll tell you right now we get
2 a charge out of being able to have our view
3 influence anything of the such where we can be
4 accounted for, taken into a certain degree of
5 measure. And -- and we -- it -- it's something that
6 we can do by being able to vote in an easier process
7 than what is being, as best as I can understand it,
8 a somewhat more restrictive process than what was
9 previously allowed. And -- and -- and -- and I --
10 I -- again, I don't think it is necessary -- I don't
11 think this -- this isn't an intentional
12 discriminatory move. It's just something that maybe
13 doesn't -- it -- it doesn't shine -- shine the --
14 the light beam at this issue as readily, because my
15 fellow citizenry that's likewise affected
16 cognitively, like I am sometimes, via short-term
17 memory or -- short-term memory impairment, not being
18 able to think about two different things at one
19 time, these are the kinds of things that everybody
20 takes for granted. But let me just share the fact
21 that it doesn't take much at all to confuse a
22 taken-for-granted process of going to this
23 particular place that you've gotten used to where
24 you will be able to exercise your right to have an
25 impact upon the society in which you live.



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1 And that's just got to be a -- a -- it --
2 it -- it's a charge for my fellow clients that they
3 desire so much, because, listen, there's few things
4 that they can automatically experience in a real
5 satisfying, grateful manner.

6 But I'll tell you from the get-go that
7 when I was treated in the brain injury
8 rehabilitation facility, I was a client until they
9 realized that this guy's got a Master's in health
10 and physical education and a minor in psychology,
11 and he taught middle school students and did that
12 for ten years, and then led a teacher organization
13 in his school district. And it -- it -- it was a
14 case of me having had a good bit of life
15 engagement -- engaging experiences that I've
16 benefited from as well as the charges that I came in
17 contact with and influenced, including, now, my
18 thousands of students that I made an impression on,
19 and they made an impression on me, via my ten years
20 in the public school. I was -- I was teaching and
21 coaching.

22 And so I -- and I know it's too late, but
23 my intent to make a long story short, if it's not
24 too late, is -- is to share with you that the -- the
25 group that I'm here today representing is just



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1 counting on the voting process to be one that they
2 can access without any additional restrictive
3 discriminatory hoops, reasons that they'll have to
4 tread through or jump or climb over, because, you
5 know, I've got fellow clients that I used to work
6 with who -- who were so gratified by just being
7 able -- that I shared with them the fact that, hey,
8 look, you -- you make a difference. You matter.
9 There's nobody that's going to take that away from
10 you. I mean, you -- you can go and lodge your
11 interest and desires at a polling place, and your
12 influence by doing so will have just as much of an
13 effect as, you know, King -- King Roy, which doesn't
14 exist, but that was my attempt at sharing the fact
15 that as -- as -- as small as they may think they
16 are, they are empowered to have as much sway or
17 influence by the --

18 CHAIRMAN SMITH: Mr. Hester.

19 MARK HESTER: Yes. I'm sorry.

20 CHAIRMAN SMITH: That's all right.

21 I hesitate to interrupt you. I have given
22 you several times the amount of time that the other
23 witnesses have.

24 MARK HESTER: Uh-huh.

25 CHAIRMAN SMITH: And I've done that



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1 on purpose because of the nature of your disability.

2 MARK HESTER: I sure appreciate it.

3 CHAIRMAN SMITH: And I want to give
4 the members of the panel an opportunity to ask you
5 some questions.

6 MARK HESTER: Thank you so much.

7 CHAIRMAN SMITH: And I want to ask
8 you a question or two. I want to make sure it's
9 clear I'm not cross examining you --

10 MARK HESTER: No, no.

11 CHAIRMAN SMITH: -- I want to give
12 you an opportunity to educate me about your
13 situation.

14 MARK HESTER: Certainly.

15 CHAIRMAN SMITH: How -- how -- how do
16 you currently vote?

17 MARK HESTER: How I do currently --

18 CHAIRMAN SMITH: When you go vote --

19 MARK HESTER: Uh-huh.

20 CHAIRMAN SMITH: -- what
21 documentation or identification do you use when you
22 vote?

23 MARK HESTER: I do whatever I happen
24 to have in my clothing that day.

25 CHAIRMAN SMITH: Okay.



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194

MARK HESTER: And so I usually have
my wallet and all of its contents.

(End of Volume 1.)

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1 IN THE COUNTY OF TRAVIS)

2 STATE OF TEXAS)

3 I, Rhonda Howard, Certified Shorthand
4 Reporter in and for the State of Texas, hereby
5 certify to the following:

6 That the CD entitled, "Texas House of
7 Representatives Committee on Elections, 4-7-2009,"
8 was transcribed at the request of Anne Wilson, 209
9 West 14th Street, Attorney General's Office, Austin,
10 Texas 78701, and the amount due is
11 \$_____.

12 That the aforementioned CD was transcribed
13 to the best of my ability to hear and understand the
14 CD;

15 That the transcript was submitted by
16 E-trans on April 16, 2012, to Anne Wilson, 209 West
17 14th Street, Attorney General's Office, Austin,
18 Texas 78701;

19 I further certify that I am neither
20 counsel for, related to, nor employed by any of the
21 parties or attorneys in the action in which this
22 proceeding was taken, and further that I am not
23 financially or otherwise interested in the outcome
24 of the action.
25



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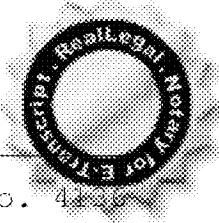
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1 Certified to by me, this 16th day of
2 April, 2012.

3
4 Rhonda Howard



5
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